IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 19168 of 2007(F)

PETITIONER:

UNNIKRISHNAN N. NAMBOODIRI, AGED 48 YRS,
S/O. M.K.NAMBOODIRI, MECHERY MANA,
VADAKKENADA, GURUVAYOOR, THRISSUR DISTRICT.

BY ADV. SRI.P.FAZIL
SRI.V.S.SREEJITH

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE
DISTRICT COLLECTOR, COLLECTORATE,
THRISSUR DISTRICT.

2. DEPUTY TAHSILDAR (R.R.),
TALUK OFFICE, CHAVAKKADU.

BY GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

W.P.(C)No.19168 of 2007

Dated this the 22nd h day of June, 2007

J U D G M E N T

Counsel for the petitioner submits that amount sought to be recovered is excess. Part of the recovery is for amount decreed by Company Court against the petitioner. Recovery Authority has no authority to modify the decree. However, interest will be charged strictly, in accordance with the decree or under the Revenue Recovery Act. It is for the petitioner to get the decree modified through court orders. Having regard to the contentions raised, petitioner is granted 10 equal monthly instalments to clear the arrears. If the payments are voluntarily made to the recovery authority, no collection charges should be recovered. First instalment will be paid on 15th of July, 2007 and balance on or before 15th of succeeding 9 months. Recovery shall be kept in abeyance for payments as above and if default is committed in payment of any instalment, the instalments facility granted will stand automatically vacated on first default.

C.N.RAMACHANDRAN NAIR,
JUDGE

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